

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Nishant P. Sheth,

Defendant.

Order

21 Mag. 6626

WHEREAS the Court has reviewed the report of the Bureau of Prisons (“BOP”) dated September 24, 2021 concerning the mental competence of the defendant to stand trial, which was prepared pursuant to 18 U.S.C. § 4241(b) (the “Report”); and

WHEREAS the parties now further respectfully and jointly waive the hearing described in 18 U.S.C. § 4241(a) and (c) and submit that the Report provides a sufficient basis from which to conclude by a preponderance of the evidence that the defendant is mentally incompetent to the extent that he is unable to assist properly in his defense;

THE COURT HEREBY FINDS by a preponderance of the evidence that the defendant is mentally incompetent to the extent that he is unable to assist properly in his defense pursuant to 18 U.S.C. § 4241(d); and

IT IS HEREBY ORDERED that the defendant is committed to the custody of the Attorney General, who shall hospitalize the defendant for treatment at the Federal Medical Center in Devens, Massachusetts for whatever reasonable period of time, up to four months, as necessary to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to permit the parties to proceed to trial pursuant to 18 U.S.C. § 4241(d)(1);

IT IS FURTHER ORDERED that at the conclusion of such reasonable period of time, up to four months, the BOP shall prepare an additional report on the mental competence of the defendant, which specifically addresses whether the defendant has been restored to competence and, if not, whether there is a substantial probability that hospitalization for an additional reasonable period of time will permit the defendant’s restoration to competence; and

IT IS FURTHER ORDERED that the BOP provide this additional report to the Court within a reasonable period of time following the conclusion of the initial time period of hospitalization.

Dated: New York, New York
October 1, 2021


THE HONORABLE DEBRA C. FREEMAN
UNITED STATES MAGISTRATE JUDGE